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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,337	11/03/2003	Kenneth Roger Jones	1033-MS1006	5176
34456	7590	07/05/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P.			NGUYEN, QUANG N	
5000 PLAZA ON THE LAKE STE 265			ART UNIT	
AUSTIN, TX 78746			PAPER NUMBER	

2141

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,337	Applicant(s) JONES ET AL.	
	Examiner Quang N. Nguyen	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040917</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is in response to the Application SN 10/700,337 filed on 11/03/2003. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 6, 8-10 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Owens (US 2003/0053443 A1).**

4. As to claim 1, Owens teaches a system and method for provisioning broadband service in a PPPoE network, comprising:

a broadband access server (*Broadband Remote Access Server BRAS 112*) responsive to a remote digital subscriber line (DSL) customer premises equipment device (*DSL modem 104*) (Owens, Fig. 1); and

a communication path to provide for data communications with the broadband access server (*a communication path PPPoE over ATM network 10 as in Fig. 1*);

wherein the broadband access server receives a data packet that includes a device identifier corresponding to the DSL CPE device (*in step 414 of Fig. 4, the BRAS 112 receives a PPPoE Active Discovery Initiation PADI packet containing the Ethernet MAC address of the DSL modem 104 in the SOURCE_ADDR field*) (Owens, paragraphs [0083-0084]).

5. As to claim 6, Owens teaches the system of claim 1, wherein the communication path is a point to point over Ethernet communication path (*the DSL modem 104 establish a connection with the BRAS 112 via a communication path PPPoE over ATM network 10 as in Fig. 1*).

6. As to claims 8-9, Owens teaches the system of claim 1, wherein the data packet is a host-uniq tag portion of a point to point over Ethernet active discovery packet and wherein the discovery packet is an initiation packet communicated from the DSL CPE to the broadband access server during a discovery stage process (*during a discovery stage process, the DSL modem 104 sends a PPPoE Active Discovery Initiation PADI packet to the BRAS 112, wherein a host-uniq tag is binary data of any value and length chosen by the DSL modem 104 and is included in the PADI to uniquely associate an BRAS 112 response (as a PADO or PADS) to the DSL modem 104 request – inherently supported by RFC 2516*) (Owens, paragraphs [0083-0085]).

7. Claims 10 and 14-16 are corresponding communications system of system claims 1, 6 and 8-9; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5, 7, 11-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owens, in view of Iwakata (US 2002/0095299 A1).

10. As to claims 2-4, Owens teaches the system of claim 1, but does not explicitly teach wherein the device identifier includes a plurality of data fields such as a device firmware field, a chipset field, and chipset code field identifying a particular type of CPE equipment.

In a related art, Iwakata teaches a customer information control system and method for controlling personal information and product identification information of the electronic equipment belonging to a customer, in which the electronic equipment automatically reads out the product identification information (*such as the product model*

number, manufacturer's serial number, and the like which are provided in advance in order to identify each client machine 10, i.e., device identifier for identifying a particular type of CPE equipment) and sends the product identification information and the personal information to a host machine (*i.e., sending the device identifier to a server*) as the customer management information to register in a customer information database (Iwakata, Abstract, paragraphs [0073-0075]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Owens and Iwakata to include a plurality of data fields in the device identifier for identifying a particular type of CPE equipment since such methods were conventionally employed in the art to allow the system to automatically obtain the product identification information such as the product model number, manufacturer's serial number and the like of the electronic equipment itself, thereby preventing a registration mistake and double registration owing to a user's mistake, and further preventing such a false registration that the product identification number is maliciously changed (Iwakata, paragraph [0111]).

11. As to claims 5 and 7, Owens-Iwakata teaches the system of claim 1, wherein the broadband access server receives a plurality of device identifiers associated with a plurality of different DSL CPE devices within a network and wherein the device identifiers are stored in the database (*the production identification information is stored in the customer information database 22*) (Iwakata, paragraph [0079-0081]).

12. Claims 11-13 and 17 are corresponding communications system claims of system claims 2-5 and 7; therefore, they are rejected under the same rationale.

13. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

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14. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER